



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 35] नई दिल्ली, बुधवार, अगस्त 16, 1990/श्रावण 25, 1912
No. 35] NEW DELHI, THURSDAY, AUGUST 16, 1990/SRAVANA 25, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 16th August, 1990:—

BILL NO. LII OF 1990

A Bill to amend the Family Courts Act, 1984.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Family Courts (Amendment) Act, 1990.

Short
title

66 of 1984.

2. In Chapter V of the Family Courts Act, 1984,—

Amend-
ment of
Chapter
V.

(a) for the heading “APPEALS”, the heading “APPEALS AND REVISIONS” shall be substituted;

(b) in section 19,—

(i) in sub-section (2), after the word “parties”, the following shall be inserted, namely:—

“or from an order passed under Chapter IX of the Code of Criminal Procedure, 1973:

2 of 1974.

Provided that nothing in this sub-section shall apply to any appeal pending before a High Court or any order passed under Chapter IX of the Code of Criminal Procedure, 1973 before the commencement of the Family Courts (Amendment) Act, 1990.”; and

2 of 1974.

(ii) sub-sections (4) and (5) shall be renumbered as sub-sections (5) and (6) respectively and before sub-section (5) as so renumbered, the following sub-section shall be inserted, namely:—

“(4) The High Court may, of its own motion or otherwise, call for and examine the record of any proceeding in which the Family Court situate within its jurisdiction passed an order under Chapter IX of the Code of Criminal Procedure, 1973 for the purpose of satisfying itself as to the correctness, legality or propriety of the order, not being an interlocutory order, and as to the regularity of such proceeding.”.

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

Matters relating to maintenance allowance to wives, children and parents are heard under section 125 of the Code of Criminal Procedure, 1973. After the enactment of the Family Courts Act, 1984, a proceeding for maintenance falls within the jurisdiction of the Family Courts at the places where such courts have been established. At other places, Magistrate of the area exercises the jurisdiction in such matters. There is provision for appeal under the Family Courts Act, 1984 against order made by a Family Court but, when the maintenance order is passed by a Magistrate, a revision lies under the Code of Criminal Procedure, 1973.

2. The Conference of Chief Justices held in December, 1989 has recommended that the provision existing in the Family Courts Act, 1984 regarding appeal against order made by a Family Court under section 125 of the Code of Criminal Procedure, 1973 may be deleted and, in its place, revision may be provided for in the said Act.

3. Clause 2 of the Bill, therefore, seeks to amend section 19 of the Family Courts Act, 1984. It, however, intends to save the pending appeals and also the right to appeal from the orders passed before the commencement of the amending Act.

4. The Bill seeks to achieve the above objects.

DINESH GOSWAMI.

SUDARSHAN AGARWAL,
Secretary-General.

